UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,173	01/25/2002	Steven M. Stefanik	PALM-3779	5622

49637   7590   06/20/2008
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ART UNIT	PAPER NUMBER
2194	

MAIL DATE	DELIVERY MODE
06/20/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 March 2008_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _46-61 and 70-78_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _46-61 and 70-78_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 46-61 and 70-78 are pending in the application.

Response to Arguments

2.   Applicant's arguments with respect to the claims have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5.   **Claims 46-61 and 70-78 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over U.S. Patent Application Publication No. 2002/0065732 to

Rodgers et al. [hereinafter Rodgers] in view of U.S. Patent Application Publication

No. 2002/0069263 to Sears et al. [hereinafter Sears], both references previously

cited and further in view of U.S. Patent No. 2002/0091700 to Steele et al.

[hereinafter Steele].

6.   As to claim 46, Rodgers teaches the invention substantially as claimed a method

of distributing software [content management application is also adapted to transmit a

copy of itself to the PDA of consumer B upon instruction from consumer A; p. 3,

paragraph 0028] between handheld computer systems [content may legitimately be

passed directly from one consumer to another; p. 3, paragraph 0028], the method

comprising:

demarking files [instructs the content management program running in PDA 90,

via a graphical user interface on the screen 90S of the PDA to beam a copy] on a first

handheld computer system by a first [consumer "A"] user [transmit a copy of a piece of

content to another consumer using a PDA, consumer "A" instructs the content

management program running in PDA 90, via a graphical user interface on the screen

90S of the PDA to beam a copy of a specified piece of content; p. 3, paragraph 0028],

the demarking indicating that the demarked files [metadata 202 and the hash 204 for

the content, and bundles both into a message 200; p. 3, paragraph 0028] are available

for downloading by a second handheld computer system by a second [consumer B]

user [consumer B is now able to consume the content transmitted from consumer A; p.

3, paragraph 0029];

automatically [p. 3, paragraph 0027] transferring the demarked files, from the first

handheld computer system to the second handheld computer system [metadata 202

and the hash 204 for the content, and bundles both into a message 200 which is then

transmitted via the wireless port 110 to the PDA 190 of a consumer B; p. 3, paragraph

0028] when the first handheld computer system and the second handheld computer

system are within a communication range according to a communication protocol

[Bluetooth or infrared wireless output; p. 3, paragraphs 0026 and 0027].

Although Rodgers teaches transferring metadata about the content between two

handheld computers [p. 3, paragraph 0028], Rodgers does not specifically teach the

metadata including summary information with respect to the demarked files, the

summary information comprising promotional information associated with the demarked

file provided by the provider of the demarked file and rating information associated with

the demarked file provided by the first user.

However, Sears discloses automatically [pp. 5 – 6, paragraph 0042] transferring

summary information [a server for disseminating information to users in a network may

comprise: a tool, the tool for receiving information and for processing the information

according to characteristics of the network, wherein the characteristics comprise

characteristics of the users. the characteristics of the users may be selected from a

group consisting of download history, log of frequently used applications, billing and

subscription info, user ranking of applications, applications used in the past, and

download history; pp. 2 - 3, paragraph 0019 and pp. 4 - 5, paragraphs 0038 and 0039]

with respect to files to mobile devices [p. 3, paragraph 0022], said summary information

comprising promotional information [billing and subscription information, pp. 2 - 3,

paragraph 0019; and content and/or service provider ratings of applications, pp. 4 – 5,

paragraph 0039] associated with said demarked file [search path may be include

applications currently being promoted by the application's provider; p. 6, paragraph

0043] provided by the provider of said demarked file [content and/or service provider

ratings of applications, pp. 4 – 5, paragraph 0039] and rating information [user ranking

of applications; p. 4, paragraph 0038 and p. 5, paragraph 0040] associated with said

demarked file provided by said first user [providing statistics that may assist in tracking

user preferences and in ranking application.... applications that have been rated highly

by these other users; pp. 4 – 5, paragraph 0039].

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify the invention of Rodgers to include in the metadata, the

additional summary information with respect to the demarked files and the summary

information comprising promotional information associated with the demarked file

provided by the provider of said demarked file and rating information associated with

said demarked file provided by said first user. One of ordinary skill in the art would have

been motivated to make the combination because this allows for seamless and

optimized interactions to occur between users, devices, providers, and applications

located in a network environment [p. 1, paragraph 0002 of Sears] and allows users and

service providers to find applications based on a method that uses current applications

they like as a key to find related applications or other highly rated applications [pp. 4 - 5,

paragraph 0039 of Sears]. Sears teaches that the rating or ranking information is stored

in a database and does not specifically disclose a handheld device that includes the database.

However, Steele teaches storing a database on a handheld computer [paragraph 0062] and transferring an application and a database between two handheld computers [Allow Definition To Be Copyable option on any new terms created which allows the definition to be copied from the dictionary to another application on a handheld computer, and the Make Database Beamable 3507 which when turned on, lets a user beam the dictionary application and its database to a different handheld computer; paragraph 0172].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to store the database as disclosed in Sears in a handheld computer as taught by Steele. One of ordinary skill in the art would have been motivated to make this combination because this provides a method and system for providing large amounts of text and image content in a user friendly manner on handheld computers which can be used for training, reference, testing, and other applications where immediate access to large amounts of information in remote locations is desirable [paragraph 0017 of Steele].

7.   As to claim 55, Rodgers as modified teaches a handheld computer system [content management application is also adapted to transmit a copy of itself to the PDA of consumer B upon instruction from consumer A; p. 3, paragraph 0028 of Rodgers] comprising:

a bus [pp. 3 – 4, paragraph 0033 of Sears];

a processor coupled to the bus [Java native processor; pp. 3 – 4, paragraph

0033 of Sears];

a wireless transceiver coupled to the bus for transferring information to other

computer systems [PDA also has a wireless output 110, typically either Bluetooth or

infra red, which enables messages to be beamed over short distances to other PDAs; p.

3, paragraph 0026 of Rodgers]; and

a memory coupled to the bus [PDA 90 when it is to be stored in memory that

does not already contain a copy of the content; p. 3, paragraph 0027 of Rodgers and

paragraph 0062 of Steele], wherein:

the handheld computer system [PDA 90; p. 3, paragraph 0028 of Rodgers] is

configured to:

store demarked files, the demarked files [instructs the content management

program running in PDA 90, via a graphical user interface on the screen 90S of the PDA

to beam a copy of Rodgers] being demarked by a first [consumer "A" of Rodgers] user

[transmit a copy of a piece of content to another consumer using a PDA, consumer "A"

instructs the content management program running in PDA 90, via a graphical user

interface on the screen 90S of the PDA to beam a copy of a specified piece of content;

p. 3, paragraph 0028 of Rodgers] and being available for downloading to a second

handheld computer system by a second user [consumer B is now able to consume the

content transmitted from consumer A; p. 3, paragraph 0029 of Rodgers], and

automatically transfer [p. 3, paragraph 0027 of Rodgers and pp. 5 – 6, paragraph

0042 of Sears], to the second handheld computer system, summary information [a

server for disseminating information to users in a network may comprise: a tool, the tool

for receiving information and for processing the information according to characteristics

of the network, wherein the characteristics comprise characteristics of the users. the

characteristics of the users may be selected from a group consisting of download

history, log of frequently used applications, billing and subscription info, user ranking of

applications, applications used in the past, and download history; pp. 2 - 3, paragraph

0019 and pp. 4 - 5, paragraphs 0038 and 0039 of Sears] with respect to the demarked

files [p. 3, paragraph 0022 of Sears] when the second handheld computer system is

within a communication range [metadata 202 and the hash 204 for the content, and

bundles both into a message 200 which is then transmitted via the wireless port 110 to

the PDA 190 of a consumer B; p. 3, paragraph 0028 of Rodgers] of the handheld

computer system according to a communication protocol [Bluetooth or infrared wireless

output; p. 3, paragraphs 0026 – 0028 of Rodgers], said summary information

comprising promotional information [pp. 2 - 3, paragraph 0019 and pp. 4 – 5, paragraph

0039 of Sears] associated with said demarked file [p. 6, paragraph 0043 of Sears]

provided by the provider of said demarked file [content and/or service provider ratings of

applications, pp. 4 – 5, paragraph 0039 of Sears] and rating information [user ranking of

applications; p. 4, paragraph 0038 and p. 5, paragraph 0040 of Sears] associated with

said demarked file provided by said first user [providing statistics that may assist in

tracking user preferences and in ranking application…. applications that have been

rated highly by these other users; pp. 4 – 5, paragraph 0039 of Sears and paragraph

0172 of Steele].

8.   As to claim 70, Rodgers as modified teaches a handheld computer system

[content management application is also adapted to transmit a copy of itself to the PDA

of consumer B upon instruction from consumer A; p. 3, paragraph 0028 of Rodgers]

comprising:

        means for storing demarked files, the demarked files [instructs the content

management program running in PDA 90, via a graphical user interface on the screen

90S of the PDA to beam a copy of Rodgers] being demarked by a first [consumer "A" of

Rodgers] user [transmit a copy of a piece of content to another consumer using a PDA,

consumer "A" instructs the content management program running in PDA 90, via a

graphical user interface on the screen 90S of the PDA to beam a copy of a specified

piece of content; p. 3, paragraph 0028 of Rodgers and paragraph 0062 of Steele] and

being available for downloading to a second handheld computer system by a second

[consumer B of Rodgers] user [consumer B is now able to consume the content

transmitted from consumer A; p. 3, paragraph 0029 of Rodgers], and means for

automatically transferring [p. 3, paragraph 0027 of Rodgers and pp. 5 – 6, paragraph

0042 of Sears], to the second handheld computer system, summary information [a

server for disseminating information to users in a network may comprise: a tool, the tool

for receiving information and for processing the information according to characteristics

of the network, wherein the characteristics comprise characteristics of the users. the

characteristics of the users may be selected from a group consisting of download

history, log of frequently used applications, billing and subscription info, user ranking of

applications, applications used in the past, and download history; pp. 2 - 3, paragraph

0019 and pp. 4 - 5, paragraphs 0038 and 0039 of Sears] with respect to the demarked

files [p. 3, paragraph 0022 of Sears] when the second handheld computer system is

within a communication range [metadata 202 and the hash 204 for the content, and

bundles both into a message 200 which is then transmitted via the wireless port 110 to

the PDA 190 of a consumer B; p. 3, paragraph 0028 of Rodgers] of the handheld

computer system according to a communication protocol [Bluetooth or infrared wireless

output; p. 3, paragraphs 0026 – 0028 of Rodgers], said summary information

comprising promotional information [pp. 2 - 3, paragraph 0019 and pp. 4 – 5, paragraph

0039 of Sears] associated with said demarked file [p. 6, paragraph 0043 of Sears]

provided by the provider of said demarked file [content and/or service provider ratings of

applications, pp. 4 – 5, paragraph 0039 of Sears] and rating information [user ranking of

applications; p. 4, paragraph 0038 and p. 5, paragraph 0040 of Sears] associated with

said demarked file provided by said first user [providing statistics that may assist in

tracking user preferences and in ranking application…. applications that have been

rated highly by these other users; pp. 4 – 5, paragraph 0039 of Sears and paragraph

0172 of Steele].

9.   As to claim 77, Rodgers as modified teaches a method of distributing software

between computer systems [p. 3, paragraph 0028 of Rodgers], the method comprising:

demarking files [instructs the content management program running in PDA 90,

via a graphical user interface on the screen 90S of the PDA to beam a copy of Rodgers]

on a first computer system [consumer "A" of Rodgers] by a first user [transmit a copy of

a piece of content to another consumer using a PDA, consumer "A" instructs the

content management program running in PDA 90, via a graphical user interface on the

screen 90S of the PDA to beam a copy of a specified piece of content; p. 3, paragraph

0028 of Rodgers], the demarking indicating that the demarked files are available for

downloading from the first computer system [p. 3, paragraph 0029 of Rodgers]; and

automatically transferring [p. 3, paragraph 0027 of Rodgers and pp. 5 – 6,

paragraph 0042 of Sears], from the first computer system to the second handheld

computer system, metadata information [pp. 2 - 3, paragraph 0019 and pp. 4 - 5,

paragraphs 0038 and 0039 of Sears and paragraph 0062 of Steele] with respect to the

demarked files without the content of the demarked files [p. 3, paragraph 0022 of Sears]

when the first computer system enters into communication with a second computer

system [p. 3, paragraphs 0026 – 0028 of Rodgers and paragraph 0172 of Steele].

10.   As to claim 47, Rodgers as modified teaches the communication protocol is a

wireless communication protocol [p. 3, paragraph 0032 of Sears].

11.   As to claim 48, Rodgers as modified teaches the wireless communication

protocol includes infrared light signaling [PDA also has a wireless output 110, typically

either Bluetooth or infra red, which enables messages to be beamed over short

distances to other PDAs; p. 3, paragraph 0026 of Rodgers].

12.   As to claim 49, Rodgers as modified teaches communications between the first

handheld computer system and the second handheld computer system are direct [p. 3,

paragraphs 0026 and 0029 of Rodgers].

13.   As to claim 50, Rodgers as modified teaches displaying at least a portion of the

transferred summary information at the second handheld computer system [p. 4,

paragraph 0038 of Sears]; and selecting, via a user interface [user interface on device

140, p. 5 – 6, paragraph 0042 of Sears], at least a subset of the demarked tiles from the

displayed portion of the transferred summary information at the second handheld

computer system [requested applications, p. 5 – 6, paragraph 0042 of Sears].

14.   As to claim 51, Rodgers as modified teaches the selecting via the user interface

further comprises touching an area of a display screen of the second handheld

computer system [user interface capabilities and related APIs; text, touch, biometrics,

speech recognition, handwriting recognition; p. 4, paragraph 0038 of Sears].

15.   As to claim 52, Rodgers as modified teaches receiving, at the second handheld

computer system, a download of the selected ones of the demarked files from the first

handheld computer system in response to the selecting via the user interface at the

second handheld computer system [p. 3, paragraph 0028 of Rodgers and pp. 4 – 5,

paragraph 0039 of Sears].

16.   As to claim 53, Rodgers as modified teaches at least some of the selected ones

of the demarked files are executable files to be executed at the second handheld

computer system [content management application is also adapted to transmit a copy of

itself to the PDA of consumer B upon instruction from consumer A; p. 3, paragraph 0028

of Rodgers and pp. 4 – 5, paragraph 0039 of Sears].

17.   As to claim 54, Rodgers as modified teaches the executable files include one or

more application files that have limited functionality or limited time of use [indicative of a

time-limited licence, or licences that prevent sharing with peers may be provided, p. 2,

paragraph 0022 of Rodgers and p. 4, paragraph 0038 of Sears].

18.   As to claim 56, Rodgers as modified teaches the communication protocol is a

wireless communication protocol [p. 3, paragraph 0032 of Sears].

19.   As to claim 57, Rodgers as modified teaches the wireless communication

protocol includes infrared light signaling [p. 3, paragraph 0026 of Rodgers].

20.   As to claim 58, Rodgers as modified teaches the handheld computer system is configured to communicate directly with the second handheld computer system [p. 3, paragraphs 0026 and 0029 of Rodgers].

21.   As to claim 59, Rodgers as modified teaches the handheld computer system is configured to download selected ones of the demarked files to the second handheld computer system in response to receiving a download request from the second handheld computer system [pp. 4 – 5, paragraph 0039 of Sears].

22.   As to claim 60, Rodgers as modified teaches at least some of the selected ones of the demarked files are executable files to be executed at the second handheld computer system [content management application is also adapted to transmit a copy of itself to the PDA of consumer B upon instruction from consumer A; p. 3, paragraph 0028 of Rodgers and pp. 4 – 5, paragraph 0039 of Sears].

23.   As to claim 61, Rodgers as modified teaches the executable files include one or more application files that have limited functionality or limited time of use [indicative of a time-limited licence, or licences that prevent sharing with peers may be provided, p. 2, paragraph 0022 of Rodgers and p. 4, paragraph 0038 of Sears].

24.   As to claim 71, Rodgers as modified teaches the communication protocol is a wireless communication protocol [p. 3, paragraph 0032 of Sears].

25.   As to claim 72, Rodgers as modified teaches the wireless communication

protocol includes infrared light signaling [p. 3, paragraph 0026 of Rodgers].

26.   As to claim 73, Rodgers as modified teaches means for communicating directly

with the second handheld computer system [p. 3, paragraphs 0026 and 0029 of

Rodgers].

27.   As to claim 74, Rodgers as modified teaches means for downloading selected

ones of the demarked files to the second handheld computer system in response to

receiving a download request from the second handheld computer system [pp. 4 – 5,

paragraph 0039 of Sears].

28.   As to claim 75, Rodgers as modified teaches at least some of the selected ones

of the demarked files to downloaded by the means for downloading selected ones of the

demarked files are executable files to be executed at the second handheld computer

system [content management application is also adapted to transmit a copy of itself to

the PDA of consumer B upon instruction from consumer A; p. 3, paragraph 0028 of

Rodgers and pp. 4 – 5, paragraph 0039 of Sears].

29.   As to claim 76, Rodgers as modified teaches executable files include one or

more application files that have limited functionality or limited time of use [indicative of a

time-limited licence, or licences that prevent sharing with peers may be provided, p. 2,

paragraph 0022 of Rodgers and p. 4, paragraph 0038 of Sears].

30.   As to claim 78, Rodgers teaches the first and second computer systems enter

into communication automatically when they are positioned within a communication

range [p. 3, paragraph 0028].

CONTACT INFORMATION

31.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768.

The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on (571)272-3756. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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